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*Attorneys for Plaintiff,
Spigen Korea Co., LTD.*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SPIGEN KOREA CO., LTD., a
Republic of Korea corporation,

Plaintiff,

v.

ISPEAK CO., LTD., a Republic of
Korea corporation; VERUS U.S.A.,
LLC, a California limited liability
company; DOES 1 through 10, inclusive,

Defendants.

VERUS U.S.A., LLC, a California
limited liability company,

Counter-Plaintiff,

v.

SPIGEN KOREA CO., LTD., a
Republic of Korea corporation,

Counter-Defendant.

Case No.: 8:15-cv-01050 DOC (DFMx)
Assigned to Hon. David O. Carter

**DECLARATION OF HEEDONG
CHAE IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT**

Hearing:

Date: June 13, 2016
Time: 8:30 a.m.
Dept: 9D
Location: 411 West Fourth Street,
Santa Ana, CA 92701

*[The following documents filed
concurrently: Memorandum of Points
and Authorities; Separate Statement of
Facts Not in Dispute; Declaration of
Matthew Stein; Declaration of Dae
Young Kim; [Proposed] Order]*

1
2 I, Heedong Chae declare as follows:

3 1. I am the attorney for Plaintiff and Counter-Defendant Spigen
4 Korea Co., LTD (hereinafter, "Plaintiff" or "Spigen") in this action and I
5 have personal knowledge of the facts set forth herein, and if called upon, I
6 could and would testify competently to those facts.

7 2. Defendants Verus USA, LLC and iSpeaker Co., Ltd's
8 (collectively, "Defendants") Counsel and I have stipulated to the authenticity
9 to the U.S. Patents or U.S. Patent Publications downloaded either from the
10 U.S. Patent and Trademark Office (hereinafter, "USPTO") or Google
11 Patents.

12 3. Attached as Exhibit A-1 is a true and correct copy of U.S.
13 Patent No. 9,049,283 entitled "Case Having a Storage Compartment for
14 Electronic Devices," duly and properly issued by the U.S. Patent and
15 Trademark Office on June 2, 2015 (hereinafter, " '283 Patent").

16 4. Attached as Exhibit A-2 is a true and correct copy of U.S.
17 Provisional Patent Application No. 62/012,962 to which the '283 Patent
18 claims priority.

19 5. Spigen's protective cases, which practice the '283 Patent,
20 include Slim Armor CS for Galaxy S5, Slim Armor CS for iPhone 6/6S, and
21 Slim Armor CS for iPhone 6/6S Plus. These Slim Armor CS cases have been
22 respectively marked as Exhibits B-1, B-2 and B-3, and have been lodged
23 with the Court.

24 6. Attached as Exhibit C is a true and correct copy of advertising
25 materials for the accused products of Defendants posted on Amazon.com or
26 VRSDESIGN.COM.

27 7. Defendants' accused products include Damda Slide for iPhone
28 6/6S, Damda Slide for iPhone 6/6S Plus, Damda Slide for Galaxy Note 4,

1 Damda Slide for Galaxy Note 5, Damda Slide for Galaxy S6, Damda Slide
 2 for Galaxy S6 Edge, and Damda Slide for Galaxy S6 Edge Plus. These
 3 Damda Slide cases have been respectively marked as Exhibits D-1, D-2, D-
 4 3, D-4, D-5, D-6 and D-7, and have been lodged with the Court.

5 8. On May 16, 2016, I served Plaintiff's Claim Construction Brief
 6 , including Appendix "I" (Claim Chart), Appendix "II" (Dictionary
 7 Definitions), Appendix "III" (US 2014/0034531), and Appendix "IV"
 8 (US8833379), on Defendants by email and filed the Brief with the Court. A
 9 true and Correct Copy of the Claim Construction Brief and Appendixes are
 10 attached here to as Exhibit E.

11 9. On May 14, 2016, I served Plaintiff Spigen Korea Co., LTD's
 12 Second Supplemental Infringement Contentions on Defendants by email. A
 13 true and correct copy is of Plaintiff Spigen Korea Co., LTD's Second
 14 Supplemental Infringement Contentions are attached hereto as Exhibit F.

15 10. On or about May 2, 2016, Defendants served Defendant Verus
 16 U.S.A.'s First Supplemental Expert Report by Oliver Seil ("Seil") on Spigen
 17 by email. A true and correct copy of Defendant Verus U.S.A.'s First
 18 Supplemental Expert Report by Oliver Seil is attached hereto as Exhibit G.

19 11. On or about April 28, 2016, Defendants served Appendix D to
 20 the Expert Report by Oliver Seil on Spigen by Federal Express. Appendix D
 21 is titled ""Dependant Claim Invalidity Charts Claims 1-22". A true and
 22 correct copy of Appendix D to the Expert Report by Oliver Seil is attached
 23 hereto as Exhibit H.

24 12. On May 12, 2016, I received the Second Revised Non-
 25 Infringement Contentions from Verus. A true and correct copy of the
 26 Second Revised Non-Infringement Contentions are attached hereto as
 27 Exhibit I.

28 13. On March 21, 2016, I served Plaintiff Spigen Korea Co., Ltd's

1 Request for Admissions on Ispeaker by email pursuant to an agreement by
 2 the parties. On April 22, 2016, I received by email, Ispeaker's responses to
 3 the Requests for Admissions. A true and correct copy of Ispeaker's
 4 Responses to the Requests for Admissions are attached hereto as Exhibit J.

5 14. On March 21, 2016, I served Plaintiff Spigen Korea Co., Ltd's
 6 Request for Admissions on Verus by email pursuant to an agreement by the
 7 parties. On April 22, 2016, I received by email, Verus's responses to the
 8 Requests for Admissions. A true and correct copy of Verus's Responses to
 9 the Requests for Admissions are attached hereto as Exhibit K.

10 15. Attached as Exhibit L is a true and correct translated copy of
 11 the Korea Registered Utility Model 20-0472435 entitled "Card Storage Type
 12 Mobile Device Case with a Slide Cover, registered with the Korean
 13 Intellectual Property Office on April 22, 2014 (hereinafter, "KUM '435").

14 16. Attached as Exhibit M is a true and correct copy of U.S. Patent
 15 No. 8,245,842 entitled "Protective Case Having a Hybrid Structure for
 16 Portable Handheld Electronic Devices," duly and properly issued by the U.S.
 17 Patent and Trademark Office on August 21, 2012 (hereinafter, the "'842
 18 Patent").

19 17. Attached as Exhibit N is a true and correct copy of U.S. Patent
 20 Application Publication No. 2012/0067751 entitled "Case for Enclosing a
 21 Personal Electronic Device and Card," publication date March 22, 2012
 22 (hereinafter, the "'751 Publication").

23 18. DesignSkin Slider case for iPhone 5/5S has been marked as
 24 Exhibit O-1 and has been lodged with the Court.

25 19. Incipio Stowaway Credit Card case for iPhone 4/4S has been
 26 marked as Exhibit O-2 and has been lodged with the Court.

27 20. Attached as Exhibit P is a true and correct copy of excerpts
 28 from deposition transcript of Dae Jin No (erroneously identified as "Dae jJi

1 Noh).

2 21. Attached as Exhibit Q is a true and correct copy of U.S. Patent
3 Application Publication No. 2010/0230301 entitled "Carrying Receptacle,"
4 publication date September 16, 2010 (hereinafter, the "301 Publication").

5 22. Attached as Exhibit R is a true and correct copy of U.S. Patent
6 No. 8,047,364 entitled "Protective Covering for Personal Electronic
7 Device," duly and properly issued by the U.S. Patent and Trademark Office
8 on November 1, 2011 (hereinafter, the "364 Patent").

9 23. Attached as Exhibit S is a true and correct copy of U.S. Patent
10 Application Publication No. 2011/0294556 entitled "Mobile Phone Case
11 with Card Slot," publication date December 1, 2011 (hereinafter, the "556
12 Publication").

13 24. Attached as Exhibit T is a true and correct copy of U.S. Patent
14 Application Publication No. 2012/0244918 entitled "Cell Phone Case,"
15 publication date September 27, 2012 (hereinafter, the "918 Publication").

16 25. Attached as Exhibit U is a true and correct copy of U.S. Patent
17 No. 8,833,379 entitled "Container Attachable to Personal Electronic
18 Device," duly and properly issued by the U.S. Patent and Trademark Office
19 on September 16, 2014 (hereinafter, the "379 Patent").

20 26. Attached as Exhibit V is a true and correct copy of U.S. Patent
21 No. 8,439,191 entitled "Cell Phone Protector Case Having the Combination
22 of an Interior Soft Silicone Shell and a Hard Exterior Shell with Alight
23 Retaining Members," duly and properly issued by the U.S. Patent and
24 Trademark Office on May 14, 2013 (hereinafter, the "191 Patent").

25 27. Attached as Exhibit W is a true and correct copy of excerpts
26 from deposition transcript of Dae-Young Kim.

27 28. I have been a prosecuting attorney who prosecuted the '283
28 Patent with the USPTO and thus have extensive knowledge of the '283

1 Patent and its prosecution history.

2 29. In about late May of 2015, Plaintiff asked me to review and
3 analyze KUM '435.

4 30. I then conducted my own analysis and investigation of the
5 KUM 435 and compared it to the '283 Patent.

6 31. Based upon my analysis, knowledge, and experience, I
7 concluded that KUM '435 discloses an invention significantly and
8 fundamentally different from the '283 Patent or Spigen's product practicing
9 the '283 Patent and that KUM '435 is not material to the patentability of the
10 '283 Patent.

11 32. A key difference between the '283 Patent and KUM '435 is that
12 the hard protective frame removably mounts over the soft protective case in
13 the 283' Patent, while the 1st body and the 2nd body are fixedly attached in
14 KUM '435.

15 33. Many of the claim elements of the '283 Patent deal with the
16 mating and coupling of the removable hard protective frame and soft
17 protective case.

18 34. The mating and coupling claim elements were not present in the
19 Kum '435.

20 35. Another key difference between the '283 Patent and KUM '435
21 is the credit card storage compartment.

22 36. In the '283 Patent, the credit card storage compartment is
23 formed by the raised wall from the back panel of the soft protective case.

24 37. In the KUM '435, the credit card storage compartment is
25 created by a recess in the hard flat plate onto which the soft portion is
26 overmolded.

27 38. Furthermore, the '283 Patent is directed to how to make the
28 structure slim and compact to overcome the bulkier case caused by separable

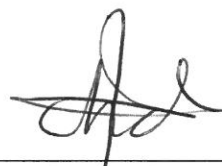
1 soft protective case and hard protective frame. The invention of the '283
2 Patent has overcome this problem excellently and resulted in a superb
3 structure of the case. This kind of problem is not present in KUM '435.

4 39. KUM '435 and the '283 Patent deal with fundamentally
5 different technologies having different problems, issues and concerns, and in
6 my opinion, it is nonsensical to allege invalidity of the '283 Patent based on
7 KUM '435.

8 40. Based on my analysis, I further concluded that KUM '435 is
9 cumulative to other cited references of the '283 Patent and that KUM '435
10 does not anticipate any claim of the '283 Patent, nor make any claim of the
11 '283 Patent obvious in view of other prior art then known to me.

12 I declare under penalty of perjury according to the laws of the State of
13 California and the United States of America, that the foregoing is true and
14 correct.

15 Executed this Monday, May 16, 2016 at Los Angeles, California

16
17
18 By: 
19 Heedong Chae, Declarant